

John A. Kelly, Esq. (SBN 225961)
922 1st St W, Sonoma, CA 95476
Ph: (707) 935-6100
Fax: (707) 581-7470

William Francis Flahavan, Esq. (SBN: 50506)
19528 Ventura Blvd #568, Tarzana, CA 91356
Ph: (818) 708-7894
Fax: (818) 708-7894

James A. Thompson, Esq.
101 Wikiup Drive, Santa Rosa, CA 95403
Ph: (707) 575-7799

Attorneys for Chantha Vannalee and the Class.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANTHA VANNALEE, individually on behalf of herself and on behalf of all others similarly situated, and on behalf of the general public and DOES 1-20, inclusive,

Case No.: C-07-06429

JOINT STATUS CONFERENCE STATEMENT.

Plaintiffs,

V.

GRANT THORNTON, LLP, an Illinois Limited Liability Partnership; DOES 1-10, inclusive,

Defendant.

The parties jointly submit this Status Conference Report pursuant to this Court's order.

A. NAMES OF THE PARTIES COUNSEL REPRESENT.

Defendant Grant Thornton, LLP is represented by James Severson, Esq., Jacqueline Bronson, Esq. and Eileen O'Brien, Esq. of Bingham McCutchen LLP. Plaintiff Chantha Vannalee is represented by John A. Kelly, Esq., William F. Flahavan, Esq., and James A. Thompson, Esq.

1 **B. SUMMARY OF FACTS ALLEGED IN THE COMPLAINT AND LEGAL
2 THEORIES.**

3 Plaintiff is a former associate of Grant Thornton. Plaintiff alleges that she worked
4 in the tax general department of Grant Thornton, LLP, and that she had neither an
5 advanced degree in accountancy or had tested for a CPA license. Plaintiff contends she
6 was misclassified as an "exempt" employee by Grant Thornton and, as such, is entitled
7 to overtime wages, for relief for violation of the Fair Labor Standards Act, for violation
8 of California Business & Professions Section 17200, for declaratory relief, and for an
9 accounting. All of these claims are asserted on behalf of a proposed class of individuals,
10 identified by plaintiff as "all persons employed by the Defendant, or any one of them,
11 within the State of California as an 'associate' or 'manager', or similarly titled personnel
12 who were performing the same sort of functions of the named plaintiff, and subject to
13 the same salaried compensation system, from four years preceding the filing of this
14 complaint through the date of judgment after trial who were not compensated for their
15 work and overtime work as required by California law." Plaintiff seeks to recover
16 damages, restitution, interest, costs, attorneys' fees and injunctive relief on a class wide
17 basis. Grant Thornton vigorously denies the allegations of the complaint. Grant
18 Thornton denies that it misclassified Plaintiff or any of the class members that she
19 purports to represent. Grant Thornton contends that Plaintiff and the class members
20 that she purports to represent spend more than 50% of their time performing exempt
21 duties. Grant Thornton also denies that it failed to pay all wages owed or to pay wages in a
22 timely manner and deny that Plaintiff is entitled to any of the relief requested. Further Grant
23 Thornton denies that this case is appropriate for class treatment or collective treatment.

24 **C. PROGRESS IN THE SERVICE OF PROCESS.**

25 Service of Process is complete.

26 **D. POSSIBLE JOINDER OF ADDITIONAL PARTIES.**

27 At this time, the parties do not expect joinder of additional parties to this lawsuit.

28 **E. EXPECTED OR DESIRED AMENDMENT OF PLEADINGS.**

1 There is no expected or desired amendment to the pleadings at this time.

2 **F. STATUTORY BASIS FOR JURISDICTION AND VENUE.**

3 Plaintiff asserts that this action is subject to the court's jurisdiction under 28
 4 U.S.C.A. Section 1332(d)(2), also known as the Class Action Fairness Act. Plaintiff asserts
 5 that the total aggregate amount in controversy exceeds \$5,000,000.00, and the parties are
 6 diverse. Venue is proper since Grant Thornton, LLP operates throughout the State of
 7 California, and has an office San Francisco.

8 **G. ANTICIPATED MOTIONS AND SCHEDULING THEREOF.**

9 Plaintiff anticipates filing a motion for Class Certification, and proposes that it be
 10 filed by January 12, 2009. Grant Thornton will file an Opposition to Class Certification.
 11 Counsel propose the following briefing schedule:

12 Plaintiffs' Motion for Class Certification: Monday, January 12, 2009.

13 Grant Thornton's Opposition to Class Certification: Monday, February 9, 2009.

14 Plaintiffs' Reply: Monday, February 23, 2009.

15 Hearing on Class Certification: On or after March 16, 2009.

16 Both parties anticipate moving for summary judgment/adjudication by the last
 17 date ordered by the Court for the filing of dispositive motions. It is unknown at this
 18 time what, if any, discovery motions will be filed.

19 **H. ANTICIPATED AND OUTSTANDING DISCOVERY.**

20 1. Depositions

21 Plaintiff and Defendants anticipate completing Plaintiff's deposition before
 22 Friday, October 30, 2008, availability of all parties permitting.

23 2. Written Discovery

24 Plaintiff and Defendant anticipate propounding document requests, requests for
 25 admission, and interrogatories within the coming months.

26 3. Initial Disclosures

27 The parties request that initial disclosures be served by both parties on May 15,
 28 2008.

1 **I. FUTURE PROCEEDINGS, CUT-OFF DATES FOR DISCOVERY, LAW AND**
 2 **MOTION, AND THE SCHEDULING OF THE PRETRIAL CONFERENCE AND**
 3 **TRIAL.**

4 The parties have agreed to work on scheduling issues together. The parties
 5 propose the following schedule for proceedings through class certification:

7 Plaintiffs' Motion for Class Certification: Monday, January 12, 2009.

8 Grant Thornton's Opposition to Class Certification: Monday, February 9, 2009

9 Plaintiffs' Reply: Monday, February 23, 2009.

10 Hearing on Class Certification: On or after March 16, 2009.

12 After the Court's ruling on the class certification motion, the parties will confer
 13 and propose to the Court dates for trial, a pretrial conference, discovery cut off, trial
 14 expert witness exchange and dispositive motion cut off. Prior to the class certification
 15 motion, both parties reserve the right to file a motion for summary judgment, as well as
 16 summary adjudication.

17 **J. APPROPRIATENESS OF SPECIAL PROCEDURES.**

18 At this time, the parties are not aware of the need for any special procedures. The
 19 parties will keep the Court apprised if additional procedures are needed.

20 **K. DEMAND FOR TRIAL BY JURY.**

21 Plaintiff demands a trial by jury.

22 **L. ESTIMATED TIME FOR TRIAL.**

23 If class certification is denied, the parties anticipate 10 days for trial of this
 24 matter.

25 If class certification is granted, the parties anticipate 30-45 days for trial of this
 26 matter.

27 **M. MODIFICATION OF STANDARD PRETRIAL PROCEDURES SPECIFIED**
 28 **BY LOCAL RULES.**

1 The parties do not anticipate other modifications needed at this time.

2 **N. RELATED CASES.**

3 There are no related cases.

4 **O. SETTLEMENT JUDGE.**

5 The parties stipulate to the trial judge acting as settlement judge.

6 **P. OTHER MATTERS.**

7 The parties are unaware of other matters that need to be addressed at the
8 conference at this time.

9 DATED: 5/1/08

10 /S/.

11 John A. Kelly, Esq.
12 Attorneys for Chantha Vannalee and the Class.

13 DATED: 5/1/08

14 /S/.

15 James Severson, Esq.
16 BINGHAM MCCUTCHEN, LLP
17 Attorneys for Grant Thornton, LLP.